REMARKS

The Office Action mailed October 2, 2007 has been received and carefully noted. Claims 1, 2, 4-8, 10-29, 31-35, and 37-43 are currently pending in the subject application and are presently under consideration.

Claims 24, 27, 32, 34, and 43 have been amended herein to correct minor informalities. A listing of claims can be found on pages 2-9 of this Reply.

Favorable reconsideration of the pending claims is respectfully requested in view of the following comments.

I. Examiner Interview Summary

The Applicants thank the Examiner for courtesies extended during the telephonic interview with Jonathan S. Miller (Reg. No. 48,534) and Olivia J. Tsai (Reg. No. 58,350) on December 27, 2007. The subject matter of the independent claims was discussed, in which the Examiner indicated that the currently cited references did not appear to teach "clearing the first set of data by the second network process if a time period expires, ***the time period beginning upon receiving the notification of death***" (emphasis added). In particular, in Ault *et al.* (U.S. 6,907,605), when a client is notified of the termination of a server, the client can "decide whether to terminate or retry the request" (*See* Ault *et al.*, col. 4, ll. 48-52). However, the Examiner indicated that this aspect did not appear to disclose a time period beginning upon receiving the notification of death. The Examiner suggested that the Applicants submit the arguments discussed in the interview in a Response. The Examiner indicated that upon receipt of the Response, she would likely perform a further search.

II. Rejection of Claims 1, 2, 4-8, 10, 11, 16-29, 31-35, and 37-43 Under 35 U.S.C. § 103(a)

Claims 1, 2, 4-8, 10, 11, 16-29, 31-35, and 37-43 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fuchs *et al.* (U.S. 5,440,726), in view of Ault *et al.* The Applicants respectfully request that these rejections be withdrawn for at least the following reason. Fuchs *et al.* and Ault *et al.*, alone or in combination, do not teach or suggest all the claim limitations.

> To establish *prima facie* obviousness of a claimed invention, ***all the claim limitations*** must be taught or suggested by the prior art.

> *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

See MPEP § 2143.03 (emphasis added). In particular, independent claims 1, 7, 16, 20, 24, 28, 34, 39, and 43 recite: "clearing the first set of data by the second network process if a time period expires, ***the time period beginning upon receiving the notification of death***" (emphasis added) or analogous aspects. Fuchs *et al.* and Ault *et al.*, alone or in combination, fail to teach or suggest this aspect.

In the Final Office Action mailed October 2, 2007, the Examiner concedes that Fuchs *et al.* fails to teach this aspect, but contends that Ault *et al.* teaches this aspect at the Abstract, col. 1, ll. 51-60, and col. 4, ll. 15-19 and 45-52 (*See* Office Action mailed October 2, 2007, pg. 3). However, as discussed in the telephonic interview, the Examiner indicated that the cited references did not appear to disclose this aspect.

With respect to the cited portions of Ault *et al.*, the Abstract describes a process having an affinity list of identifiers of other processes to be notified when the process fails. In col. 1, ll. 51-60, Ault *et al.* again describes the affinity list and specifies that a PID (process ID) affinity service can be used by the processes to handle the notification of terminated processes. In col. 4, ll. 15-19 and 45-52, Ault *et al.* describes the generated event as a signal that will be sent to a client process that is listed in a PID affinity list of a server when the server process is terminated. The client process can then decide to either terminate or retry a pending request with the server process. However, the cited reference is silent with respect to "clearing the first set of data by the second network process if a time period expires, ***the time period beginning upon receiving the notification of death***" (emphasis added) because it does not set forth any sort of time period that **begins** upon receiving a notification of death. Therefore, Fuchs *et al.* and Ault *et al.*, alone or in combination, do not teach or suggest all the claim limitations of independent claims 1, 7, 16, 20, 24, 28, 34, 39, and 43.

Claims 2 and 4-6 depend from independent claim 1, claims 8, 10, and 11 depend from independent claim 7, claims 17-19 depend from independent claim 16, claims 21-23 depend from independent claim 20, claims 25-27 depend from independent claim 24, claims 29 and 31-33 depend from independent claim 28, claims 35, 37, and 38 depend from independent claim 34, and claims 40-42 depend from independent claim 39, thus incorporating the limitations thereof.

For at least the above reasons relating to the independent claims, Fuchs *et al.* and Ault *et al.*, alone or in combination, do not teach or suggest all the claim limitations of the dependent claims. Accordingly, it is respectfully requested that these rejections be withdrawn.

III. Rejection of Claims 12-15 Under 35 U.S.C. § 103(a)

Claims 12-15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kidder *et al.* (U.S. 6,694,450), in view of Damani *et al.* (U.S. 5,938,775) and Ault *et al.* The Applicants respectfully request that these rejections be withdrawn for at least the following reason. Kidder *et al.,* Damani *et al.,* and Ault *et al.*, alone or in combination, do not teach or suggest all the claim limitations.

In particular, independent claim 12 recites: "the second network process to synchronize for itself the first set of data with a second set of data generated by the first network process before restarting upon determining a time period has not expired, ***the time period beginning upon receiving a notification of death of the first network process***" (emphasis added).

In the Office Action mailed October 2, 2007, the Examiner concedes that Kidder *et al.* does not disclose this aspect, but contends that Damani *et al.* and Ault *et al.* disclose this aspect (*See* Office Action mailed October 2, 2007, pg. 8). However, in the telephonic interview, the Examiner indicated that Ault *et al.* was relied upon but did not appear to teach "the time period beginning upon receiving a notification of death of the first network process." As noted above, the cited portions of Ault *et al.* fail to teach or suggest such time period beginning upon receiving a notification of death of a first network process. Therefore, Kidder *et al.,* Damani *et al.,* and Ault *et al.*, alone or in combination, do not teach all the claim limitations of independent claim 12.

Claims 13-15 depend from independent claim 12 and thus incorporate the limitations thereof. For at least the aforementioned reasons relating to independent claim 12, Kidder *et al.,* Damani *et al.,* and Ault *et al.*, alone or in combination, do not teach or suggest all the claim limitations of the dependent claims. Therefore, it is respectfully requested that these rejections be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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Lori A. Ciccio 12/31/07

Lori A. Ciccio Date